

**THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
CIVIL CASE NO. 1:12-cv-00269-MR-DLH**

**THE ESTATE OF MICHAEL BLAKE  
SIPES, by Administrator Kimberly  
Sipes,**

**Plaintiff,**

**vs.**

**JOHNNY D. COOPER, Individually  
and Officially; MICHAEL FERRARO,  
Individually and Officially; and THE  
CITY OF MORGANTON,**

**Defendants.**

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**ORDER**

**THIS MATTER** is before the Court on the Defendants' Unopposed Motion for Leave to Exceed Page Limitation in Summary Judgment Reply Brief [Doc. 20].

The Defendants move for leave to exceed the ten-page limit for their summary judgment reply brief by five additional pages. For grounds, the Defendants contend that they cannot effectively reply to the Plaintiff's response brief within the given page limit. [Doc. 20].

The Plaintiff's response brief is 28 pages long and appears to be in 12 point type. The Pretrial Order/Case Management Plan provides that no brief filed in support of a motion may exceed 25 pages without Court approval and must be in at least 14 point type. [Doc. 7 at 5]. The Plaintiff's Response fails to comply with either of these requirements and therefore shall be stricken.

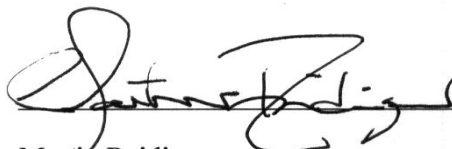
Accordingly, **IT IS, THEREFORE, ORDERED** that the Plaintiff's Response [Doc. 18] is hereby **STRICKEN**. The Plaintiff may submit a brief that complies with all the requirements of the Pretrial Order/Case Management Plan within five (5) days of the entry of this Order.

**IT IS FURTHER ORDERED** that the Defendants shall file their Reply within seven (7) days of the filing of the Plaintiff's Response.

**IT IS FURTHER ORDERED** that the Defendants' Motion for Leave to Exceed Page Limitation [Doc. 20] is **DENIED AS MOOT**.

**IT IS SO ORDERED.**

Signed: August 28, 2013

  
Martin Reidinger  
United States District Judge

